## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

RODERICK ROBERSON, et al.	)
Plaintiffs,	) ) )
v.	) Civil Action No. 4:22-CV-00358-RK
••	)
THE KANSAS CITY SOUTHERN	)
RAILWAY CO.,	)
D-f14	)
Defendant.	)

## DEFENDANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO OPPOSE CLASS CERTIFICATION

Defendant The Kansas City Southern Railway Co. ("KCSR"), pursuant to Fed. R. Civ. P. 16(b)(4), hereby moves for an extension of time to oppose class certification. In support of this motion, KCSR states as follows:

- 1. On March 14, 2024, Plaintiffs moved for class certification. (Doc. 97.) The current scheduling order does not set an explicit deadline for KCSR to oppose class certification. (Doc. 91.) Accordingly, KCSR's opposition is subject to the 14-day deadline that applies generally to all motions other than motions for summary judgment (which are subject to a 21-day deadline). (L.R. 7.0(c)(2).) KCSR's opposition to class certification is therefore due on March 28, 2024.
- 2. In between March 14, 2024, when Plaintiffs' motion was filed, and mid-April, lead counsel for KCSR has several other briefs due and depositions scheduled, as well as other matters. In addition, the lead associate who had been on this case since June 2022, when it was

first filed, left the Firm in mid-November 2023, and another associate who is assisting is currently in a multi-day arbitration and has depositions scheduled for next week.

- 3. In support of their motion for class certification, Plaintiffs filed a 53-page brief in which they argue for certification under Fed. R. Civ. 23(b)(1), 23(b)(2), and 23(b)(3), and raise various other issues. KCSR needs additional time to brief and address all of these issues.
- 4. Accordingly, for all of these reasons, KCSR respectfully requests that the deadline to oppose class certification be extended to April 26, 2024. KCSR has not previously requested any extension of this deadline. Counsel for KCSR has conferred with counsel for Plaintiffs, and Plaintiffs do not oppose this motion.

Dated: March 21, 2024 Respectfully submitted,

/s/ Thomas R. Chiavetta
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## **CERTIFICATE OF SERVICE**

I hereby certify that on March 21, 2024, a true and accurate copy of the foregoing was filed using the CM/ECF system which will send notification of such filing to the Court and Plaintiffs' counsel.

/s/ Thomas R. Chiavetta

Thomas R. Chiavetta